



July 30, 2023

BY EMAIL ONLY

The Honorable Richard M. Berman
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Orrick, Herrington & Sutcliffe LLP
2001 M Street, N.W.
Suite 500
Washington, DC 20036
+1 202 349 8000
orrick.com

Henry W. Asbill

E hasbill@orrick.com
D +1 202 349 8007
F +1 202 349 8080

Re: *United States v. Stephen Buyer*, 22-cr-397 (RMB)

Dear Judge Berman:

The undersigned submits this letter in response to Your Honor's July 30, 2023 e-mail to me, directing me to outline the conflict that I informed the Court of yesterday evening. Because of concerns about Orrick's confidentiality obligations to Mr. Buyer and T-Mobile, if Your Honor has further questions, I respectfully request that further discussions occur *in camera*.

As I noted in my July 29 letter, I and the other members of the trial team were first made aware yesterday of the existence of an ethical conflict arising from my representation of Mr. Buyer and my firm's representation of T-Mobile. Unfortunately, due to human error our internal conflicts-identification and clearance processes were not followed. But because of the conflict, we cannot ethically proceed adversely to T-Mobile because my firm also currently represents T-Mobile in other, albeit unrelated matters. This is why we are seeking an adjournment of a reasonable amount of time to enable Orrick to work with its clients to resolve the conflict. Although we have had preliminary conversations with Mr. Buyer, and he is willing to consider waiving any conflict; we have not been able to fully discuss this issue with T-Mobile given the weekend and the multiple Orrick attorneys and T-Mobile contacts who need to be consulted.

In the meantime, as soon as we learned of the situation, Orrick promptly created an ethical screen between my team and anyone working on T-Mobile matters.

We express our apologies to the Court, the Government, and counsel for the delay and inconvenience this issue is causing at this late stage in the proceeding. Like you, we are eager to move forward and resolve this matter. But we have an ethical duty to resolve this conflict before we can proceed further in our representation of Mr. Buyer in this matter.

The Honorable Richard M. Berman

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Sincerely,

A handwritten signature in blue ink that reads "Henry W. Asbill".

Henry W. Asbill

cc: Margaret Graham, AUSA
Kiersten Fletcher, AUSA